United Nations A/61/PV.76

General Assembly
Sixty-first session

Official Records

76th plenary meeting
Wednesday, 13 December 2006, 10 a.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 10.20 a.m.

Agenda item 67

Promotion and protection of human rights

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Final report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/61/611)

Report of the Fifth Committee (A/61/623)

The President: Members will recall that at its 57th plenary meeting, on 22 November 2006, the General Assembly decided that sub-item (b) of agenda item 67 would also be considered directly in plenary meeting for the sole purpose of taking action, during the main part of the sixty-first session, on the draft Convention on the Rights of Persons with Disabilities that would be recommended in the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

In that connection, a note by the Secretary-General transmitting the final report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities has been circulated in document A/61/611.

The General Assembly has before it a draft resolution recommended by the Ad Hoc Committee in paragraph 7 of its report.

The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/61/623.

Before proceeding further, I would like to inform members that the Braille version of the draft resolution and the draft Convention are available at the documentation booths, located on either side of the back of the General Assembly Hall.

The General Assembly is about to take another important step towards the protection and promotion of human rights and fundamental freedoms for all. Today we will adopt, by consensus, the landmark Convention on the Rights of Persons with Disabilities.

I would like first to thank Don MacKay, Chairman of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, and the other members of the Committee for their hard work and dedication.

I would like also to thank the many non-governmental organizations (NGOs) and persons with disabilities who have been deeply involved throughout the process. Their participation is greatly appreciated.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

06-65707 (E)

As of today, all Member States have committed to promoting and protecting the human rights, freedoms and dignity of all persons with disabilities. We have now reached a global consensus: The disabled are entitled to the full range of civil rights that those without disabilities enjoy. To fully implement this historic agreement, we also require a change in cultural attitudes towards the disabled.

In the past, mainstream society has tended to act out of a culture of pity, rather than embrace and celebrate human differences. Too often, people with disabilities have had to manage their own disability as well as their relative invisibility to society and policymakers. They have tended to be denied equal access to the basic rights and fundamental freedoms that most of us take for granted. That marginalization has been particularly acute for women and children.

There are over 650 million disabled persons in the world. Most live in developing countries. Today we will send a clear message of solidarity to them. By reaffirming the dignity of all humankind, we recognize that all societies stand to benefit from empowering that important community.

The disabled do not see themselves as being limited in life by their circumstances, so neither should we. Going forward, then, we must respect people with disabilities as equals, exercising the same fundamental rights under the law.

The adoption of this Convention is a great opportunity to celebrate the emergence of the comprehensive guidelines the world so urgently needs. It is an opportunity to reaffirm our universal commitment to the rights and dignity of all peoples, without discrimination. The Convention can also provide a much-needed impetus for wider cultural changes in the way that the world perceives disabled people.

I look forward to the full implementation of the Convention by Member States, with the involvement of all concerned parties, in particular NGOs and civil society groups, whose energy, compassion and willingness to work in a spirit of cooperation greatly contributed to the final agreement.

I now give the floor to the Deputy Secretary-General, who will deliver a message from the Secretary-General.

The Deputy Secretary-General: I should like to deliver this message on behalf of the Secretary-General, who regrets that he was unable to be in this Hall today.

We all, I think, recognize what an important event this is — the day on which the General Assembly adopts the Convention on the Rights of Persons with Disabilities. Obviously, for the 650 million people around the world living with disabilities, today promises, we hope, to be the dawn of a new era in which disabled people will no longer have to endure the discriminatory practices and attitudes that have been permitted to prevail for far too long.

This Convention is a remarkable and forward-looking document. While it focuses on the rights and development of people with disabilities, it also speaks about our societies as a whole and about the need to enable all persons to contribute to the best of their abilities and potential.

Throughout the ages, the treatment of people with disabilities has brought out some of the very worst aspects of human nature. Too often, those living with disabilities have been seen as objects of embarrassment and, at best, of condescending pity and charity. Societies have even gone out of their way to ensure that persons with disabilities are neither seen nor heard. On paper, they may have enjoyed the same rights as others. In real life, they have often been relegated to the margins and denied the opportunities that others take for granted.

It was the community of the disabled themselves that worked tirelessly and insistently to promote this Convention, and the United Nations, I am pleased to say, responded. In three short years, the Convention became a landmark several times over. It was the first human rights treaty to be adopted in the twenty-first century, the most rapidly negotiated human rights treaty in the history of international law, and the first to emerge from lobbying conducted extensively through the Internet.

We have already learned from experience in countries that have implemented legislation related to disability that change comes more rapidly when laws are in place. Once the Convention is adopted, signed and ratified, it will have an impact on national laws that will transform how people with disabilities can live their lives. It will offer a way forward to ensure that those with disabilities enjoy the same human rights

as everyone else — in education, employment, access to buildings and other facilities, and access to justice.

That will not happen overnight. Much work remains to be done to produce the results that aspire from the Convention. I urge all Governments to start by ratifying and then implementing it without delay. Its adoption happens to fall in the Western Christian calendar on the day of Saint Lucy, celebrated in some countries as the patron saint of both blindness and of light. Let us ensure that this day marks a new dawn. Let it usher in an age when all those living with disabilities around the world become fully fledged citizens of their societies.

The President: We shall now proceed to consider the draft resolution recommended by the Ad Hoc Committee in paragraph 7 of its report in document A/61/611.

Before I call on speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Al Bayati (Iraq) (*spoke in Arabic*): I have the great pleasure of participating in this meeting to adopt the Convention on the Rights of Persons with Disabilities. We have reached a consensus on adopting that international legal instrument, an important adjunct to international law, and it should be our ongoing concern to ensure that persons with disabilities enjoy the same rights as everyone else.

I take this opportunity, in my capacity as Chairman of the Group of Arab States for December, to speak to the Assembly on behalf of Algeria, Bahrain, the Comoros, Djibouti, Egypt, Iraq, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, the Sudan, Syria, Tunisia, the United Arab Emirates and Yemen.

I also take this opportunity to stress that our ability to join the consensus is based on our interpretation of article 12 of the Convention, in which we recognize the rights of persons with disabilities as equal to those of others, that they have the right to recognition everywhere as persons before the law, and that they enjoy national legal capacity on an equal basis with others in all aspects of life. That reference was included in the Committee's report with the note requested by the Arab States to be distributed as an official document at the eighth session of the Committee. We have learned from the Secretariat that our letter will be distributed in order to reflect our statement on that position.

Mr. Morris (Jamaica): It is indeed a great pleasure to be here to participate in this very historic occasion. On behalf of the people of Jamaica, I want to really express my profound appreciation to all who have participated in this very historic occasion.

I do so with a great degree of pride as one who stands also to benefit from the implementation of this special Convention, having a disability myself, having found myself in a very precarious position as the Deputy Minister of Labour and Social Security in the Government of Jamaica, and having the responsibility for ensuring the implementation of this very important Convention.

I want to express my profound appreciation and convey my congratulations to those who ensured that the Convention would reach the state at which it stands today. I want to commend the delegation of Mexico for its vision in ensuring that the draft resolution was brought to the General Assembly, and also to thank Ambassador Gallegos, who was the first designated Chair of the Ad Hoc Committee. I recall that three years ago, when Jamaica first started to participate in this very special work, Ambassador Gallegos Chiriboga said that he thought that it would take about five to six years for the Convention to become a reality, based on the history of conventions that have been associated with the United Nations. Today, however, we are here to adopt a Convention in record time. Within three years, we have a Convention to protect the rights and dignity of persons with disabilities.

We also want to express our profound appreciation to Ambassador MacKay for the able way that he presided over the various sessions after the baton was handed to him by Ambassador Gallegos, and to point out that, because of his style and his competence, we have been able to accomplish so much within such a short period. There were times when we thought that we were going to encounter major encumbrances, but Ambassador MacKay, because of his style, was able to negotiate and help us reach the point at which we find ourselves today.

Jamaica implores members of this body to ensure that, following the deliberations that we have had over the past three years and what we have accomplished, we move on to the implementation phase and have the

Convention implemented, because it will impact on the 650 million disabled persons living across the world. We stand ready, as a nation State, to ensure that the provisions outlined in the Convention are implemented. As a matter of fact, we are well on our way to ensuring that the provisions of this Convention are fully implemented. We stand ready to cooperate with States and civil society organizations to ensure that the lives of persons with disabilities are improved, not just in Jamaica or in the Caribbean, but throughout the world.

Mr. Capelle (Marshall Islands): Thank you very much, Madam President, for organizing this meeting and for your very edifying statement. I would also like to take this opportunity to thank all delegations and non-governmental organizations that have worked hard to get the United Nations to where we are today. In addition, I want to particularly thank my friend and colleague Ambassador Don MacKay for his wonderful work in chairing the Ad Hoc Committee.

The intent of a treaty is expressed in its preamble, and the Marshall Islands affirms that its support for the draft convention is based on its expression of the conviction that persons with disabilities have "inherent dignity and worth" (A/61/611, annex I) on an equal basis with all other persons. The Marshall Islands understands that article 10 guarantees the "right to life" of disabled persons from the moment of conception and throughout their natural lives until natural death.

The Marshall Islands accepts the phrase "sexual and reproductive health" with the understanding that it does not include abortion and that its use in article 25 (a) does not create any abortion rights, cannot be interpreted to constitute support for or endorsement or promotion of abortion and does not create, and would not constitute, recognition of any new international law, obligations or human rights.

The Marshall Islands is fully committed to protecting the lives of persons with disabilities and understands that article 25 (f) is to be interpreted as ensuring that such persons are not denied medical life-preserving treatment with the intent of ending their lives and that they not be denied food and fluids to preserve life, regardless of the method of administration.

Ms. Halabi (Syrian Arab Republic) (*spoke in Arabic*): The Syrian Arab Republic attaches great importance to the protection and promotion of the rights of persons with disabilities and considers this to be an integral part of our national economic and social development plan. We have established a central ministerial council, comprising ministers and provincial government representatives from all over the country, to closely follow what is being done to protect and promote the rights and dignity of persons with disabilities in all fields and in accordance with Syrian law.

Here, I should like to emphasize that the Syrian Arab Republic participated in the negotiations on the draft convention from the outset with a view to achieving a text that would guarantee the rights and dignity of persons with disabilities, their fundamental freedoms on an equal basis with all others and their protection, in accordance with the International Covenants on Human Rights and other international human rights instruments.

We were able to join in the consensus on the draft international convention on the rights of persons with disabilities based on our interpretation that no provision would contradict our cultural specificities, religion, customs or history, and therefore that the implementation of its protections must take into account those characteristics and that background. My delegation also considers the draft convention to recognize no rights other than those recognized for other persons within the framework of our national legislation and international obligations.

With respect to paragraph 2 of article 12, "Equal recognition before the law", I would like to reaffirm that our interpretation of the term "legal capacity" presupposes the capacity to enjoy rather than to exercise, and that the capacity to exercise is determined by the nature and degree of the disability in question, so as to protect the rights of persons with disabilities as well as the rights of others.

In addition, my delegation was surprised to see the addition of a comma in paragraph (e) of the preamble of the Arabic-language version. In our view, this changes the paragraph's meaning from what was agreed to in the English version. I would like to stress that this comma does not appear in the other language versions and was not in the text when the Ad Hoc Committee adopted it on 5 December. Accordingly, my delegation can join the consensus in favour of the draft convention once the comma has been deleted from the Arabic version.

The President: The Assembly will now take a decision on the draft resolution entitled "Convention on the Rights of Persons with Disabilities", recommended by the Ad Hoc Committee in paragraph 7 of its report (A/61/611). May I take it that the Assembly decides to adopt the draft resolution?

The draft resolution was adopted (resolution 61/106).

The President: Before giving the floor to speakers in explanation of vote after adoption of the resolution, I would remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Negm (Egypt): The delegation of Egypt went along with the consensus with regard to the international Convention on the understanding that the reference to "sexual and reproductive health services" in article 25 (a) does not by any means entail the authorization of abortion, except in cases where Egyptian national laws permit it.

Mr. Pereyra (Peru) (*spoke in Spanish*): Allow me first to note that Peru appreciates the leadership and excellent work done by the Chairman of the Special Committee, Ambassador Don MacKay of New Zealand, throughout the negotiating process on the Convention. We would also like to highlight the work of his predecessor, Ambassador Luis Gallegos of Ecuador.

Peru considers the Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to be a tremendous achievement in terms of the development, expansion and deepening of human rights around the world. It is the outcome of the lengthy and fully representative negotiating process in which States and civil society organizations, including associations of persons with disabilities, participated actively.

This process has proven that while there are various positions concerning certain substantive issues in the text of the Convention, the international community is animated by the clear resolve to adopt agreements that guarantee the full exercise, promotion and protection of the rights and dignity of persons with disabilities.

The unrestricted respect for human rights is a State policy and a constituent element of Peru's foreign policy. Measures recently adopted by the Government of Peru in the area of social policy will make it possible to ensure greater exercise of human rights, with special attention to the most vulnerable groups. Thus, Peru welcomes the commendable international effort that has led to the general agreement on the text of the Convention and Optional Protocol that bring us together today.

At the same time, Peru, in keeping with a position expressed in various international forums, would like to place on record the fact that the Peruvian Constitution recognizes the right to life from the moment of conception. Consequently, Peru declares that the programmes and health care, even in the area of sexual and reproductive health mentioned in article 25 (a) of the Convention, will be implemented in terms of the unrestricted respect for life consecrated in our Constitution and laws and that the provisions of the Convention cannot be interpreted as weakening these legal standards.

Finally, the Government of Peru confirms its commitment to implementation of the Convention in the framework of national policies that are consistent with the principles of this Convention, affirming a culture of inclusion whereby persons with disabilities enjoy the same rights as other citizens.

Mrs. Hasteh (Islamic Republic of Iran): My delegation would like to express our gratitude, appreciation and satisfaction at the adoption of this very important Convention. We would like to make two points in our explanation of vote, both of which concern my delegation's interpretation of article 12, paragraph 2, of the Convention.

That paragraph refers to the rights of the disabled, which should be recognized fully on an equal basis with others in all aspects of life, but it does not refer to action. Due to the level and degree of disability, the responsibility to act may differ among disabled people.

Secondly, Iran accepts the phrase "sexual and reproductive health" with the understanding that the phrase does not include abortion, and that its use in article 25 (a) does not create any abortion rights and cannot be interpreted as constituting promotion of abortion.

Mr. Romero-Martínez (Honduras) (*spoke in Spanish*): First, I would like to express our satisfaction upon today's adoption of this very important legal

instrument, which no doubt will make a contribution to the well-being of all social sectors due to its universal and humanitarian character. This is an historic event in which there has been broad participation by civil society, non-governmental organizations, our Governments and, finally, a number of eminent persons who have immortalized the equality, human rights and, above all, the dignity of persons with disabilities.

My delegation wishes to explain its position on one issue of far-reaching importance for our country. Honduras accepts the phrase "sexual and reproductive health" as used in article 25 (a) with the understanding that it does not include abortion and does not constitute recognition of any obligation under international law or human rights law. The internal legal framework in my country is very clear on this point. We wish this interpretation that we are giving today to be placed on record and in the final report of this session of the General Assembly.

Mr. Solórzano (Nicaragua) (*spoke in Spanish*): My delegation welcomes the adoption of the Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities. It has just been adopted by this General Assembly, thus marking an historic moment for humankind in the defence of human rights for the most vulnerable.

However, my delegation, under precise instructions from my Government, wishes to make an interpretive statement concerning subparagraph (a) of article 25 on sexual and reproductive health.

In that particular regard, my delegation notes that it accepts the phrase "sexual and reproductive health" on the understanding that it does not cover abortion and that its use in the article implies no right to abortion. Thus, it should not be interpreted as meaning approval, support or promotion of abortion.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): The Libyan Arab Jamahiriya attaches particular importance to the rights of persons with disabilities and is proud that there is no discrimination in its legislation with respect to the rights of persons with disabilities and other persons.

We are therefore pleased today to have adopted the Convention on the Rights of Persons with Disabilities. We believe that the Convention will help to facilitate the exercise by persons with disabilities of their rights internationally and will help to strengthen human rights in general.

At the same time, the Libyan delegation reiterates that it has joined the consensus on the basis of its interpretation of paragraph 2 of article 12, as explained by the representative of Iraq speaking earlier on behalf of the Arab countries. Furthermore, the Libyan delegation understands the phrase "sexual and reproductive health" referred to in subparagraph (a) of article 25 not to signify any activity that would conflict with the moral principles of Muslim and national legislation, including abortion, which is prohibited except under very specific circumstances.

Mr. Miller (United States of America): The United States welcomes the adoption by the General Assembly of the Convention on the Rights of Persons with Disabilities.

The United States was pleased to participate actively in the Ad Hoc Committee, including through providing technical assistance on our national law and policy related to disabilities and information about our foreign assistance programmes in that area. We also held side events on matters of interest and regularly briefed the community of non-governmental organizations on our activities. We congratulate and warmly thank all those involved in this monumental and historic process, including the Ad Hoc Committee chairpersons Ambassador MacKay of New Zealand and Ambassador Gallegos of Ecuador, their respective staffs, bureau members, the Secretariat, and members of civil society.

Our nation's commitment to the rights and dignities of persons with disabilities is embodied in our vast array of strong national laws, notably the historic Americans with Disabilities Act. The United States has shown strong leadership in combating discrimination and inequality on the basis of disability. In 2001, President Bush announced the New Freedom Initiative, designed to expand the potential for persons with disabilities to access technologies, education, workplace, and home-ownership opportunities.

The United States believes that the most effective way for States to improve the real-world situation of persons with disabilities from a legal perspective is to strengthen their domestic legal frameworks related to non-discrimination and equality. That approach is rooted in our own national experience with legislation such as the Americans with Disabilities Act. We hope

that the Convention will assist States in that process at the national level.

There is much to be proud of in the Convention. It is based on respect for the inherent dignity and worth of all persons with disabilities. It contains strong provisions on a variety of important issues, including political participation, access to justice, accessibility, health, the crucial role of family, and end-of-life issues.

The Convention is firmly rooted in the principles of equality and non-discrimination. As the Chairperson and many other delegations, including that of the United States, have noted on countless occasions over the course of negotiations, the treaty reinforces existing rights and is aimed at assuring that persons with disabilities will be treated on an equal basis with others. That approach was reflected in oral statements and in various places in the written *travaux préparatoires*, including in a footnote to the draft text of article 25 that appeared in the report of the seventh session of the Ad Hoc Committee.

In that regard, the United States understands that the phrase "reproductive health" in subparagraph (a) of article 25 of the draft Convention does not include abortion, and that its use in that article does not create any abortion rights and cannot be interpreted to constitute support, endorsement or promotion of abortion. We stated that understanding at the time of adoption of the Convention in the Ad Hoc Committee, and note that no other delegation suggested a different understanding of that term.

We would also like to comment on preambular paragraph (u) of the Convention. The United States called for a separate vote on that paragraph and voted against it because we saw it as an attempt to politicize what had otherwise been a very productive and focused negotiation process. We were also concerned that the reference in this human rights Convention to armed conflict and foreign occupation, which are governed by international humanitarian law and not by human rights law, would create unnecessary legal confusion and thus potentially undermine the extensive protections already available under international humanitarian law to protected persons in those situations. The United States wishes to note for the official record its continued concerns related to that preambular paragraph in the Convention. We note that those concerns also apply to article 11, which deals with situations of armed conflict.

My delegation reiterates its congratulations to all involved in this very significant process.

The President: We have heard the last speaker in explanation of vote.

We will now hear statements after the adoption, to be delivered by delegations from their seats.

Mr. MacKay (New Zealand): New Zealand has been pleased to join the consensus in support of the resolution.

The adoption of this Convention by the General Assembly marks the end of a journey that the United Nations embarked on in 2001. For the international disability community, it has been a much longer journey. Disability organizations within civil society have long been pressing for a convention dealing specifically with the rights of persons with disabilities.

It is no secret that some Governments had some initial reservations about the need to negotiate a major new human rights convention, particularly given the resources required for such a process. Theoretically there was no need for a new convention, because the existing human rights instruments apply to persons with disabilities in just the same way that they do to everyone else. The reality, unfortunately, has not followed the theory. The existing human rights instruments have fallen far short in their protection of the human rights and fundamental freedoms guaranteed to persons with disabilities.

This does not mean that States have deliberately avoided their obligations. But many of the obligations under other instruments are set out in quite a broad and generic way, which can leave grey areas for their practical implementation in respect of particular groups. Often, too, the enjoyment of rights and freedoms by persons with disabilities may require some adaptation by States to accommodate the disability in question. And unfortunately, persons with disabilities have often been marginalized and discriminated against in our societies.

The dismaying statistics compiled by the United Nations and the specialized agencies on the situation of persons with disabilities worldwide leave no doubt that specific action needed to be taken. And those of us who participated in the negotiations were certainly left in no doubt as to why this Convention is needed. The candid and informative contributions of civil society — specifically the disability organizations — have been

invaluable in opening our eyes and reaffirming why our task was so crucial. Once that hurdle had been overcome and there was acceptance of the need for a convention, all of the participants — States and civil society — worked tirelessly together to achieve a worthy outcome.

New Zealand is confident that the Convention is a worthy outcome, and that it will make a significant difference to the 10 per cent of the world's people who live with a disability. It is a practically focused Convention, because it has been so closely informed and influenced by the experiences of persons with disabilities worldwide, as represented by their organizations. They clearly articulated the challenges, difficulties and requirements of persons with disabilities in their interaction with society at large, and it is those areas — and they are myriad — on which the Convention focuses. It will be the benchmark for future standards and action. Attitudes need to change, societies need to be more inclusive and accessible and persons with disabilities need to be more empowered. The Convention enshrines themes such as those.

The key, of course, will be effective implementation. For that, we need to bring the Convention into force as quickly as possible, and with 20 States parties required, the threshold is relatively low. With the formal adoption of the Convention by this Assembly this morning, Governments now need to move quickly to enact any necessary legislation, take the necessary constitutional or administrative steps and sign and ratify the Convention. It would be a travesty if, following the adoption of the Convention, treaty action is allowed to languish and persons with disabilities yet again find themselves at the back of the queue for Government attention.

Effective implementation will also require effective and coordinated action by disability organizations, which we have seen work so well in the negotiations. It will require cooperation among States and the mainstreaming of disabilities issues into development assistance programmes. Again, this is covered in the Convention.

In conclusion, may I say that it has been a privilege for me, as the representative of New Zealand, to have been closely involved in these negotiations, initially as Chairman of the Working Group and coordinator of the informal negotiations, and subsequently as Chairman of the Ad Hoc Committee. I would like to place on record our huge debt of gratitude for the extraordinarily hard work of those involved in the process, particularly the Bureau — no Bureau has ever served a process better — the Chair of the drafting group, who worked so expertly, the Chair of the negotiations on monitoring and the many others who chaired and facilitated groups on a wide variety of issues, as well as for the support of the Secretariat and the Office of the High Commissioner for Human Rights.

I should also like to acknowledge the excellent work done by my predecessor in the chairmanship, Ambassador Gallegos, who is here today. And on this, the occasion of the adoption of the Convention, we could not fail to mention one country that has been pivotal in keeping the process alive. That is, of course, Mexico, which I would like specifically to acknowledge.

In my role as Chairman, I have had strong support from the New Zealand Government, which has been thoroughly committed to this process, including the Minister for Disability Issues, The Honourable Ruth Dyson, and other colleagues from New Zealand. Finally, may I express wholehearted thanks to all of the participants in the negotiations, from States and from civil society, for the highly constructive, positive and supportive approach that they have consistently taken.

Mr. Gallardo (Mexico) (*spoke in Spanish*): The United Nations has taken an historic step by adopting this Convention and its Optional Protocol, which bridge a gap in the international legal framework. Mexico welcomes the successful completion of this process, which began five years ago with the goal of responding to the legitimate and long-standing demands of persons with disabilities throughout the world.

On behalf of my Government and my country, I would like to congratulate the Chairman of the Ad Hoc Committee, Ambassador Don McKay of New Zealand, who guided the work with exceptional skill and great dedication. My appreciation goes also to Ambassador Luis Gallegos Chiriboga of Ecuador, who chaired the Committee in its first years with outstanding commitment.

My delegation would also like to commend the participatory and transparent nature of the work of the Ad Hoc Committee. The instrument that we have

adopted today would not been possible without the participation and input of civil society, with which States have worked in true partnership, thereby providing a particularly constructive momentum to the process. We trust that the collaboration will continue during the stages leading to the signature and ratification of the Convention and, in particular, to its implementation in all States.

The new Convention consolidates the Organization's efforts to promote human rights, which belong at the very core of Mexican foreign policy, and the social participation of persons with disabilities throughout its history.

The Convention is a milestone that will without doubt change the lives of persons with disabilities and contribute to building societies that are more just and equal, as it is the first legally binding international instrument on the issue at hand and to include the full range of human rights, as well as the measures needed to guarantee them. It is strengthened by its monitoring mechanism, which is at the same level as those of other international human rights treaties. That will allow us to ensure the application of the Convention and to identify the main challenges to its implementation, including through international cooperation and collaboration with civil society and other actors of the international community.

I would like to emphasize that the Convention contributes to fostering a new perspective on this issue. We must consolidate a cultural change in our societies regarding the way we address the situation of persons with disabilities. Indeed, the treaty moves beyond the medical welfare model in order fully to recognize persons with disabilities as rights-holders and active members of society with full autonomy and freedom to make their own choices.

A significant part of our task is concluded today, and we should without question be satisfied with the quality of the treaty adopted. We should also bear in mind that this is only the first among a series of measures that we will need to undertake in order to make sure that the letter and spirit of the Convention are translated into concrete results by States parties. To that end, we count on the full support of the Secretary-General and all the relevant bodies of the United Nations system to disseminate the Convention as widely as possible and to contribute to its implementation. Mexico trusts that the treaty will enjoy the necessary ratifications to enter into force as soon as possible, so that it may be put into practice.

In that sense, I am pleased to announce that my country's Congress has called for Mexico to sign and ratify the Convention at the earliest possible date, aware that it will benefit the 10 million Mexicans with disabilities. Along those lines, I note that our competent national institutions will undertake the necessary actions for the implementation of the Convention in the broadest, fullest and most expeditious way possible.

I express our thanks and appreciation for this unprecedented endeavour, which fulfils a debt to 650 million people who have unfairly remained invisible. The world is celebrating. Mexico is celebrating, too, and is grateful to the world.

Ms. Lintonen (Finland): I have the honour to speak on behalf of the European Union.

The acceding countries Bulgaria and Romania; the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process; potential candidates Albania, Bosnia and Herzegovina, and Serbia; the European Free Trade Association countries Iceland and Norway, members of the European Economic Area; and Ukraine align themselves with this declaration.

The European Union would like to join other delegations in congratulating all of us, representatives and members of civil society, for having concluded, in a relatively short period of time, the negotiations on the Convention on the Rights of Persons with Disabilities.

We wish to express our deep appreciation to Ambassador MacKay, the Chairman of the Ad Hoc Committee. Without his dedication, commitment and determination, not to mention his competent guidance through this sometimes very difficult process, we would not have had such an open, transparent and fully inclusive process, and we would certainly not be here today with a Convention.

We also wish to thank the members of civil society who have been participating in large numbers in the process throughout the years in accordance with the principle "nothing about us without us". Without their valuable input and their intimate knowledge of

life with disabilities, the Convention would not have as much value as it does now.

Equally, we wish to thank all the representatives who participated in the long hours of drafting and negotiating on all various issues, regardless of the time and place, and who, often through difficult compromises, were able to reach consensus on the text of the Convention.

Finally, on a substantive matter, we wish to refer to the interpretative statement made by some States regarding paragraph 2 of article 12 of the Convention. It is our understanding that the concept of legal capacity has the same meaning in all language versions.

We hope that, through the adoption and wide ratification of the Convention in the near future and through the awareness-raising this process has been, the 650 million persons with disabilities in the world will have a better future with respect to their enjoyment of all human rights and fundamental freedoms on an equal basis with others.

Through all these years, we have been saying that nothing is agreed until everything is agreed. Now that time has come, and everything has been agreed.

Mrs. Maierá (Brazil) (*spoke in Spanish*): I have the honour to speak on behalf of the members of the Common Market of the South (MERCOSUR) and its associated States: Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela and Brazil.

We take this opportunity to welcome the adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Our regional group participated with great commitment in the negotiating process that resulted in the instruments we have just adopted. Our countries have taken a social and inclusive approach to the issue of persons with disabilities. We therefore based our participation on the understanding that disability results from the interaction between physical impairments and environmental barriers, which impedes the full participation of individuals in society. We are convinced that this Convention and its Optional Protocol will serve as essential instruments for the elimination of such barriers and for the promotion of inclusive development, thus generating the necessary changes which will guarantee the exercise of fundamental rights and freedoms by persons with disabilities on an equal footing with other people.

In addition, we are gratified to recognize the positive outcome of the negotiations on an effective monitoring mechanism, which ensures that the Convention will have at its disposal the same tools as other human rights instruments.

Lastly, in our view, the fact that the negotiating process was conducted in an open and transparent manner is of great importance. The interaction with civil society was particularly relevant, which is why our countries supported such full participation, including in the informal meetings of our regional group, the Group of Latin American and Caribbean States. We consider it essential that civil society, and in particular organizations of persons with disabilities, should remain involved in the new phase that begins today: of that dissemination and implementation of the Convention. Their participation will be essential for this instrument to generate the debate and reflection at the national level needed to foster the promotion of the rights of persons with disabilities in all our societies.

Mrs. Mladineo (Croatia): I am speaking on behalf of the Group of Eastern European States. The Convention on the Rights of Persons with Disabilities is the first human rights treaty of the twenty-first century. That is why the Eastern European Group is pleased that the Convention was drafted with unprecedented participation by civil society, particularly persons with disabilities and their organizations.

The Eastern European Group believes that this Convention will increase the level of inclusion of persons with disabilities in society, helping them to become more contributing members of their communities. It will also help us reach some of the Millennium Development Goals to which we have committed ourselves.

Today, having adopted this significant Convention that means so much to millions of disabled persons and their families around the world, let us not forget that it is now equally important for the international community to continue with the process of signing, ratifying and implementing the Convention with the same persistence and dedication.

By adopting this Convention, we, the Members of the United Nations, are sending an important message

to the world. We unanimously state that our countries are serious when dealing with the human rights of persons with disabilities. Let us remember that the level of civilization is often measured by the level of rights that world leaders give to the weakest in their societies. The adoption of the Convention on the Rights of Persons with Disabilities is definitely a step further in raising this level.

Mr. Ballestero (Costa Rica) (*spoke in Spanish*): Madam President, allow me, first of all, to express my thanks to you for having convened this meeting of the General Assembly to adopt the Convention on the Rights of Persons with Disabilities. This event is the culmination of a series of individual and collective efforts that together have yielded an international legal instrument of which all of us in this Hall can, and should, be proud.

Since its establishment more than 60 years ago, this Organization has had at its core a profound belief in human rights, in the dignity and value of the human person, in the equality of men and women and in the equality of nations, irrespective of their size and power. This is clearly stated in its Charter.

The peoples of the United Nations declared in 1945 their determination to promote social progress and better standards of life in larger freedom for all persons and, to that end, they committed themselves to employ international machinery for the promotion of the economic and social advancement of all peoples. This combination of beliefs and commitments to human rights and development, individual responsibility and international cooperation, which is part of the Charter of the United Nations, is today reflected, articulated and developed in the Convention that we have just adopted. It is an ambitious instrument, befitting the twenty-first century, which discards the rigid dogmas of past while benefiting to the full from lessons learned in the hard task of forging our humanity.

We have been fortunate enough to be able to participate in something which, without any exaggeration, may be described as a journey of hope, a journey to which we were first convoked by Mexico and in which we were then steered by Ecuador. The journey was begun by the Latin American and Caribbean Group. It then became a journey for the whole of the developing world, until it became, today, an initiative taken by the whole world.

Today, we celebrate together the culmination of this process. The Convention is testimony to our finest virtues and our best aspirations. It is resounding proof of what we are capable of as an international society, when we concentrate on our points of convergence and not on our differences.

According to United Nations data, more than 650 million people — 10 per cent of the world's population — have reason to celebrate with us today. They have all the more reason to continue more energetically than ever to pursue this journey of hope in which we have had the privilege to participate. Today, the whole of humanity is more humane.

Major achievements of this instrument include surmounting forever the medical model of disability; the unequivocal recognition that disability generates poverty and that poverty generates disability; and the commitment to struggle to overcome our prejudice and preconceptions and to promote a paradigm shift which is needed to achieve inclusive development and ultimately active participation by civil society. Costa Rica believes that the Convention is a triumph for humanity as a whole.

Costa Rica believes that the dignity and value of the human being transcend life's circumstances and the challenges that life presents day by day. Thus, in hailing the comprehensive and all-embracing nature of this Convention, we would like to reaffirm that — as was reflected during the debates in the Ad Hoc Committee — the reference in the Convention to the concept of sexual and reproductive health does not constitute a new human right or, still less, imply relativization or negation of the right to life, which we regard as the source of all rights.

More than 60 years ago, a wheelchair user stated, in circumstances that were certainly far from happy, that the only thing that we had to fear was fear itself. A few years later, having amply proved the truth of that assertion, the same person laid the foundations of this Organization; thanks to him, we can meet today to rejoice in this historic moment. In adopting the Convention, Costa Rica pays tribute to Franklin Delano Roosevelt, whose life and work demonstrated all that can be done and, at the same time, everything that remains to be done, individually and collectively, to advance and protect the rights of persons with disabilities.

Without distinction as to language, culture, religion or civilization, the Convention on the Rights of Persons with Disabilities represents, in its entirety and for all the peoples of the world, a significant advance. Its conceptual and paradigmatic integrity should not be compromised by short-sighted analyses or highly legalistic approaches. It is an instrument of human rights, as well as of social development and international cooperation. It is a commitment undertaken by States but fulfilled by individuals. Let us all live up to our commitments and the aspirations reflected in the Convention. Only on the basis of prompt and effective implementation will we be able to reach the end of our journey.

In the information age and in the global village of which we are all part, the measures we take in this Hall are known and have immediate effect in all corners of the world, especially in small places where human rights have real meaning and impact. That is why my delegation hopes that we will never again build — especially using resources earmarked for development — facilities, institutions or services that exclude a priori 10 per cent of the population. No country, however rich, can afford to squander its human resources.

The success of a journey depends to a large extent on the helmsman of the chosen vessel. A skilful, careful and visionary navigator who is sure and resolute is vital to reaching the destination and, in particular, to doing so on schedule. On this voyage of hope, we have had the good fortune of being able to rely on the ideal navigator, Ambassador Don MacKay of New Zealand. His experience and skill, together with his interpersonal gifts and his great human warmth, have enormously benefited our deliberations, marshalled our energies and allowed us to adopt the Convention today by consensus. Our recognition and gratitude also go to his team and to his predecessor, Ambassador Luis Gallegos of Ecuador, and his team.

The German poet and playwright Bertolt Brecht said that there are men who fight one day and are good; there are men who fight one year and are better; there are some who fight many years and they are better still; but there are some that fight their whole lives, and these are the indispensable. For us, without doubt, it is among the latter that we place all persons with disabilities. We owe them our recognition.

Allow me to end by recalling, with Franklin Delano Roosevelt, that the only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strength and faith in the future.

Ms. Lazouras (South Africa): My Government would like to express its pleasure that, after five years of negotiations, the General Assembly is adopting the Convention on the Rights of Persons with Disabilities and its Optional Protocol within the prescribed time frame, as per General Assembly resolution 60/232 of December 2005. South Africa celebrates its adoption, as it represents a victory for human rights.

The treaty, the first of its kind, sets internationally binding provisions that promote and protect the rights of a long-neglected section of the world's population, whose social and economic integration would benefit humanity. The entry into force of the Convention and its Optional Protocol would ensure that persons with disabilities no longer represented one of the most marginalized groups and that their rights were no longer routinely ignored or denied throughout the world.

Special recognition should be given to Ambassador Don MacKay of New Zealand and his predecessor, Ambassador Luis Gallegos of Ecuador, whose work as Chairs of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities enabled the speedy and successful conclusion of this historic Convention. The Ad Hoc Committee was a unique negotiating forum for both Member States and civil society, as they proved that no disability could be a hindrance to advancing diplomacy at this body.

South Africa is certain that, through the knowledge and experience accumulated during the proceedings of the Ad Hoc Committee, the United Nations system has become less disabling. My delegation proposes that the United Nations, in its reform process, give consideration to provisions on inclusiveness and equality that are contained in the Convention. The United Nations should, in its reform process, implement creative systems in order to reduce or even eliminate altogether the environment that inhibits the effective participation by persons with disabilities in its events and processes and when undertaking renovations.

South Africa would have preferred that the provisions on individual communication and complaints procedure contained in the Optional Protocol to the Convention be part of the Convention itself. However, we acknowledge that an optional protocol approach was the best compromise to ensure the universal acceptance of the Convention and thus fast track its ratification and entry into force.

South Africa has started the necessary process in preparation for the signing of both the Convention on the Rights of Persons with Disabilities and its Optional Protocol. South Africa will soon thereafter initiate internal processes with a view to ratifying both those treaties.

South Africa urges Member States to consider both signing and ratifying the Convention and its Optional Protocol, because that will ensure that its implementation and monitoring by the Committee under the Convention are enhanced. Our understanding is that, although the two treaties are separated, they are both aimed at advancing the rights and dignity of persons with disabilities in a mutually reinforcing manner. Therefore, my delegation is of the view that the Convention's provisions cannot be achieved in isolation of the Optional Protocol.

The Optional Protocol gives an implementation force to the Convention because it provides recourse for those whose rights may be under threat or undermined. The Optional Protocol would also provide the Committee with proactive means to seek further information on the status of the human rights of persons with disabilities through the inquiries procedures. Those procedures can be useful instruments for the protection of persons with disabilities and may allow for the provision of technical assistance to States parties on emerging best practices.

In conclusion, my delegation recognizes that persons with disabilities are among the most marginalized of all peoples and have been excluded from achieving their full potential by a wide range of physical, legal and social barriers. However, we also acknowledge that the Convention will pave the way to ensuring that both States and public perception of persons with disabilities change to allow for the full integration of persons with disabilities into society.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): At this sixty-first session, the General Assembly has just adopted the Convention on the Rights of Persons with Disabilities. This is a milestone in the history of the protection of the rights and interests of persons with disabilities. The Convention is the outcome of the strong political will and hard work of the international community, and reflects the constructive and cooperative approach of all negotiating parties.

The Chinese delegation welcomes the adoption of the Convention. I should like to take this opportunity to thank the Chairman of the Ad Hoc Committee, Ambassador Don Mackay, and his predecessor for their efforts.

The Chinese Government has always attached great importance to the protection of the rights and interests of persons with disabilities, as well as to the guarantee of their social welfare. According to a recently conducted nation-wide census on persons with disabilities, China has almost 83 million persons with disabilities. Over the years, the Chinese Government has established and gradually improved our system for safeguarding the human rights of persons with disabilities, thus helping them to participate in social life and to share the fruits of social development on an equal footing. This year, the Chinese Government promulgated and put into practice the China Development Outline for the Cause of Persons with Disabilities (2006-2010) with the aim of establishing rehabilitation services for all and other goals in that area.

China was one of the first countries to initiate and promote the formulation of the Convention. Over the past five years, the Chinese delegation has taken an active part in the work of the Ad Hoc Committee on the Convention and made its due contribution. In order to complete the drafting of the Convention on time, many delegations, including mine, did their best to demonstrate flexibility on some contentious issues in the Convention during consultations. We are deeply convinced that the adoption of the Convention will contribute to a helpful conceptual, policy and legal framework for the efforts of the international community to protect the rights and interests of persons with disabilities.

The Chinese delegation would like to reiterate its interpretation of the term "legal capacity" in article 12 of the Convention. The Chinese Government interprets "legal capacity" in the Convention as "legal capacity for rights". The Chinese delegation requests that this

statement be included in the official summary record of current meeting.

Mr. Butagira (Uganda): Uganda welcomes the adoption of the Convention. We would like to salute all those who worked very hard to bring about this happy result.

It is not by choice that some people suffer disability of one form or another. All human beings should be accorded the same rights and privileges regardless of their physical condition. It is only just to do so. The Convention is therefore long overdue, but better late than never.

The Convention, besides providing access to education, transportation and justice for disabled persons, also prohibits discrimination based on sexual and reproductive health. My delegation, however, wants to emphasize that our understanding of the phrase "sexual and reproductive health services" does not constitute recognition of any new international legal obligations or human rights and that, more specifically, it does not include abortion.

Mr. Limeres (Argentina) (*spoke in Spanish*): Argentina aligns itself with the statement delivered by the delegation of Brazil on behalf of the Common Market of the South and associated States, and welcomes the adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the first international instrument dealing specifically with the protection of the human rights of that vulnerable group.

The delegation of Argentina was actively involved throughout the negotiations that took place in the Ad Hoc Committee, supporting at all times the widest possible participation of duly accredited non-governmental organizations devoted to disabilities issues. We consider it indispensable to take into account the points of view, concerns and input of civil society on that topic. In that regard, and bearing in mind the ongoing dialogue that the Argentine Government maintains with civil society, the delegation of Argentina relied on the valuable contributions of representatives of two non-governmental organizations as advisers during the negotiation of the Convention.

Furthermore, Argentina's commitment to the protection of the rights of persons with disabilities has also been evident in the inter-American sphere. Thus, at the thirty-sixth regular session of the General Assembly of the Organization of American States, which took place in June 2006, Argentina sponsored a resolution, adopted by consensus, through which the States of the region reaffirmed their commitment to the protection of the human rights and fundamental freedoms of individuals or groups in a situation of vulnerability, among them persons with disabilities. Resolution AG/RES 2167 seeks to ensure the activation of the Committee on the Elimination of All Forms of Discrimination against Persons with Disabilities, taking into account the contributions of the Inter-American Commission on Human Rights and of civil society organizations specializing in disability issues.

Argentina welcomes this new contribution of the General Assembly to the progressive development of international human rights law through this new legal instrument, which reflects the need for world awareness of the rights of persons with disabilities, with the commitment and obligation of each of our States, as established in article 8 of the instrument we have adopted today.

Mr. Mercado (Philippines): The Philippines welcomes the adoption by the General Assembly of the Convention on the Rights of Persons with Disabilities, as well as its Optional Protocol. We congratulate Ambassador Don MacKay and the members of the Ad Hoc Committee on their hard work in making the Convention a reality.

My delegation takes the floor to highlight three important issues.

First, when the General Assembly formally embarked on a course to draft a convention on disabilities, it originally intended for the Convention to be a comprehensive and integral instrument that would uplift the lives of all persons with disabilities. That was why we used the lengthy title of the draft convention in all eight negotiation sessions of the Ad Hoc Committee. While, for brevity's sake, we have adopted the present title, it is the Philippines' understanding that this does not detract from the holistic nature and character of the Convention originally intended by the General Assembly in its resolution 56/168, which embodies, in a unified way, the perspectives of development, human rights and non-discrimination, covering all countries, developed and developing alike. That particular holistic approach is reflected in many

of the preambular paragraphs, but in particular in paragraphs (f) and (y). The holistic approach is also the spirit behind article 32 on international cooperation. Let it therefore be remembered that what we have adopted is an instrument that embodies that holistic nature.

Secondly, it is the policy of the Philippines to value the dignity of every human person and to guarantee full respect for human rights. The Philippines ensures that persons with disabilities, as members of society, exercise the same rights and obligations as all others. Hence, where a person's capacity to exercise his or her rights may be restricted under certain circumstances, adequate safeguards under our laws are employed to ensure that he or she is still able to fully exercise those rights, including, if necessary, with the assistance of others. In article 12 of the Convention, the Philippines understands the term "legal capacity" under the terms of the Philippine Civil Code, which makes a distinction between the terms "legal capacity" and the "capacity to act". Under the Philippine Civil Code, "capacity to act" refers to the power to do acts with legal effect and to the aptitude for the exercise of rights. On the other hand, the term "legal capacity", under our Civil Code, is synonymous with juridical capacity and is defined as the fitness of the person to be the subject of legal relations. For purposes of domestic implementation, the term "legal capacity" in article 12 shall therefore be construed by the Philippines as the "capacity to act".

Lastly, the Philippines considers it highly important to ensure the total health of persons with disabilities. Nevertheless, the Philippines is of the belief that the provision of health care and all other services should not in any way undermine the right to life of a person, with or without a disability, in all stages of his or her being. It is in that light that the Philippines understands articles 12 and 25 of the Convention.

Mr. Labbé (Chile) (*spoke in Spanish*): At the outset, my delegation wishes to associate itself fully with the statement made by the representative of Brazil on behalf of the Common Market of the South and its associated States.

The adoption of the Convention on the Rights of Persons with Disabilities marks the successful conclusion of a lengthy process begun in 2002 with the establishment of the Ad Hoc Committee responsible for its negotiation. The process has involved Governments and, very significantly, civil society through non-governmental organizations, which played a distinguished role in the Convention's development. Some representatives of those non-governmental organizations have honoured us today with their presence in the Hall.

Many Government delegations, including that of Chile, included persons with disabilities among their members in the negotiating process explicitly to give concrete form to the principle of inclusion.

At the same time, the adoption of the Convention is a very positive contribution to the array of international human rights instruments adopted in the legal and normative framework of the United Nations, beginning in 1948 with the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide.

When we speak of disability, we are talking about a population of over 500 million people throughout the world who suffer some degree of disability and are thereby the subjects of discrimination or excluded from participating in the social, labour, educational, cultural or health fields. That is why the Convention that we have just adopted seeks as its primary goal the promotion, protection and guarantee of the full enjoyment by persons with disabilities, on an equal footing with all others, of all human rights and fundamental freedoms, while also promoting respect for their inherent dignity. We note with satisfaction that the Government programme launched by President Michelle Bachelet contains specific commitments with respect to disability that are fully in keeping with the rights of such persons recognized by the Convention.

The Convention strives to find a way to ensure the full application to persons with disabilities of duly recognized and established fundamental human rights, bearing in mind the specifics of each situation. Among its underlying principles, the Convention recognizes the inherent dignity of individuals; individual autonomy, including the freedom to take one's own decisions; independence; non-discrimination; participation and full and effective inclusion in society; and access to and equality of opportunity.

On the basis of those principles, the Convention breaks with many erroneous or risky approaches, such as the segregation of persons with disabilities by means of differentiated education and other special regimes,

and lack of recognition of their individuality and autonomy of action, conceiving of them as legally incapable. The Convention recognizes persons with disabilities as legal persons on the same terms as others in all aspects of life, making them not only the holders but also the exercisers of rights.

For those very reasons, the Convention's entry into force will oblige our Governments and societies to adopt a new approach to that reality. Legislation will be required in various spheres fully and effectively to implement the commitments undertaken here. Access will also have to be guaranteed to persons with disabilities to the physical environment, transportation, information and communications, and other services and facilities available to the public. For its part, society will have to begin to consider the situation as yet another expression of its own diversity and to accept that persons with disabilities deserve equal and non-discriminatory treatment, even when it may be based on supposedly protective criteria.

The Convention, however, also speaks to another reality that links it to issues of social development. An extremely high percentage of persons with disabilities live in developing countries and in poverty. Moreover, a large percentage of persons with disabilities have practically no schooling. In the area of employment, the unemployment indices for persons with disabilities are also extremely high.

Facilitating the equal access of persons with disabilities to various social activities will enable them to achieve higher levels of income, thus improving their educational, employment and health opportunities. That task also involves responsibility for Governments, which they must assume. My delegation expresses its wholehearted commitment to ensuring that the various tasks set out in this important instrument will be fully undertaken.

I cannot conclude without conveying my delegation's warmest congratulations to all of those who, in various forums and from a variety of work and observational backgrounds, have allowed us to achieve an ethical, diplomatic and legal victory of the highest magnitude. Our thanks go in particular to Ambassadors Luis Gallegos of Ecuador, a dear friend of mine, and Don Mackay of New Zealand, as well as to the other members of the Bureau of the Ad Hoc Committee.

Mr. Petranto (Indonesia): Indonesia has the honour to join other delegations in welcoming today's adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

The Convention is certainly an important milestone in the efforts of the United Nations to address the rights of persons with disabilities. Not only will it send out a message of hope to the millions of disabled around the world, but we also trust that it will help to raise people's awareness and promote the rights and dignity of the disabled in their countries.

We congratulate all those who participated in shaping the Convention and its Optional Protocol. The role of the Chairman of the Ad Hoc Committee was instrumental and my delegation congratulates him on successfully guiding the work of the Committee and concluding the Convention and Optional Protocol.

In the process of developing and negotiating the Convention, we appreciate the valuable contribution of civil society in enriching the process by bringing to the table its extensive knowledge and expertise on the issue of disabilities.

In realizing the purpose and objectives of the Convention, my delegation would like to underline article 32, which provides for international cooperation to assist countries in complying with the provisions of the Convention. In that regard, my delegation wishes to emphasize the importance of building partnerships nationally, regionally and globally in the implementation of the Convention.

Mr. Cordovez (Ecuador) (*spoke in Spanish*): This is a great day for humankind. It is also an historic date in the evolution of the United Nations. The General Assembly's adoption of the Convention on the Rights of Persons with Disabilities is taking place 60 years after the adoption of the Universal Declaration of Human Rights and 40 after the adoption of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

The Ecuadorian delegation participated ardently and with conviction in the preparatory work for the Convention. The international community has now assumed its responsibility to enable persons with disabilities fully to enjoy their rights as members of society. The Convention represents the culmination of a gradual evolution in the worldwide process of reform in the area of disability, the ultimate articulation of the universal nature of human dignity, and the creation of a system of freedoms built on human values.

Disabled individuals are now the holders of rights that restore their autonomy and give them space to develop their creativity and spirit. That global development for persons with disabilities has already had an impact on the evolution of national social models. Sixty years ago — nay, only 20 years ago — families concealed their disabled members. Children were forgotten in back rooms and young people were interned in hospitals for the mentally ill or in remote asylums. That is in clear contrast to the current situation, which has undoubtedly been impelled by the humanitarian process in the United Nations.

Just a few days ago in my country, a professional person who has been confined to a wheelchair for a number of years was elected Vice-President of the Republic, the second-ranking leader of our nation. Humankind owes such recognition to all human beings who have been rejected for their disabilities. It is plain that our approach acknowledges the impact of such disabilities or insufficiencies on a person's daily life.

That is why this is a day of rejoicing for all humankind. We have demonstrated a solidarity that is missing from the human rights codes which our Organization has been adopting virtually since its inception. Ecuador is participating with profound political will in that celebration.

Ms. Feldman (Israel): On the behalf of the State of Israel, my delegation would like to express its joy in participating in the adoption of the Convention on the Rights of Persons with Disabilities, which indeed is a momentous occasion. My delegation would also like to express gratitude to our colleagues in the United Nations, Member States and civil society who were involved in initiating, drafting and bringing to completion this historic Convention.

For the hundreds of millions of persons with disabilities living across the world and who still must cope with conditions of poverty, discrimination, humiliation and exclusion, the adoption of this Convention by the General Assembly is a reaffirmation that all human beings were created equally in the image of God. We in Israel fondly remember having those same feelings of joy and satisfaction when we passed the Equal Rights for People with Disabilities Law in 1998, enacted extensive provisions concerning the accessibility of public accommodations in 2005, and established the Commission for Equal Rights of Persons with Disabilities as part of the Ministry of Justice in August 2000.

Once our celebrations here have concluded, the Convention, like other conventions and pieces of legislation, will be judged solely on the basis of its implementation. Many of us know only too well the challenges of changing attitudes and practices among policymakers, professionals, the general public and even among persons with disabilities themselves. We must ensure that the responsibility to guarantee the rights of all human beings is internalized and protected by all.

This is a process requiring a great deal of learning and openness to accepting the other as an essential part of society. It is a process that demands not only a heightening of awareness and mutual respect, but also the investment of financial and human resources in making every aspect of society accessible to all. It is a process of democratization, calling for the establishment of partnerships between professionals and people with disabilities at crucial decision-making points on the journey towards the realization of the goals of the Convention.

The State of Israel, which was actively involved in the formulation of the Convention, is committed to advancing the rights of person with disabilities, and several steps have already been initiated in Israel with a view to promoting the implementation of the Convention. We have begun to review our own domestic legislation in the light of the wide-ranging provisions of the Convention. Our Commission for Equal Rights of Persons with Disabilities is working on the establishment of disability studies centres, which will train and teach professionals in public and civil society about the principles and practices of implementing the Convention. The Commission is also in the process of developing a quantitative monitoring mechanism to enable us to track the implementation progress of our domestic equal rights law, together with the provisions of the Convention. To that effect, we have already translated the Convention into Hebrew and will distribute it to relevant entities now that it has been adopted.

While commending the impressive work of those involved in bringing the Convention to successful completion, we echo the concern also raised by other delegations and express our regret at certain elements of politicization during the drafting process,

particularly with respect to preambular paragraph (u). The attempt to draw artificial parallels between two different legal regimes under international law — those of human rights law and the law of armed conflict — only undermines the effectiveness of each regime. Israel would therefore like to place on record its concern regarding references in the Convention to elements taken from the law of armed conflict.

In conclusion, let us all — Governments and civil society alike — advance forward in taking the necessary steps towards implementation of the Convention. Israel, for its part, is open both to contributing on the basis of our own experience, as well as to learning from the experience of others. Let us continue with the positive and cooperative spirit of the Ad Hoc Committee that was initiated by the Mexican Government and inspired by our Chairs, Ambassador Luis Gallegos and Ambassador Don Mackay. We owe them a great deal, as we do many, many others.

In our tradition, we have a practice of reciting a blessing of thanksgiving and for future success upon occasions of great accomplishment: Blessed be the one who sustained us and brought us to this joyous occasion.

Mr. Wenaweser (Liechtenstein): The adoption of the Convention on the Rights of Persons with Disabilities is a historic achievement. My delegation is very satisfied to see that the General Assembly was able to negotiate such a comprehensive document of such quality in such a short time, and we are very proud that we were able to make our contribution to that outcome.

The adoption coincides nicely with the day on which we will also be discussing the issue of the revitalization of the General Assembly in the afternoon. In our view, today's result represents true General Assembly revitalization. It was possible thanks to the commitment and constructive spirit of delegations, the invaluable contribution of persons with disabilities and their organizations, and the strong leadership of individuals, in particular of Ambassador Don MacKay, to whom we owe much gratitude. The involvement of civil society and of the persons directly affected should serve as an example for similar processes in the future, such as the resumed work on the declaration on the rights of indigenous peoples.

We hope that the Convention will soon enjoy universal participation and that each article will be fully implemented in all parts of the world, irrespective of any difficulties that might be encountered in the translation of the negotiated text. We owe nothing less to the 650 million persons with disabilities worldwide.

Implementation is indeed crucial when it comes to the protection and promotion of human rights. Our work on standard-setting must never dilute the focus we place on the implementation of existing standards and cannot conceal the fact that implementation is the area in which we are most at fault and have the most to increase our efforts.

Ms. Blum (Colombia) (*spoke in Spanish*): The delegation of Colombia welcomes the work of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. We pay tribute to Ambassador Don MacKay of New Zealand and his predecessor, the Ambassador of Ecuador.

My country played an active role in the meetings of the Ad Hoc Committee and is pleased to see the significant outcome of its work. We note that in Colombia, on the initiative of the Vice-President of the Republic and in coordination with the Minister for Foreign Affairs, a working group was established among representatives of various Government agencies, civil society organizations working in the field of health care and the promotion of the rights of persons with disabilities, and academic sectors to follow up and consider progress in the formulation of the text of the Convention. Colombia made its position clear in all of the meetings of the Ad Hoc Committee. The contributions of civil society organizations to the Convention were vital to creating an instrument to provide concrete and relevant responses in this area.

Mr. Chidyausiku (Zimbabwe) Vice-President, took the Chair.

Regarding the substance of the Convention, we understand that, under article 24, States shall be responsible for providing persons with disabilities primary education and secondary education on an equal basis with others in the communities in which they live. Similarly, article 25 on health establishes several norms whereby, in addition to the special services required by persons with disabilities specifically because of their disabilities, States shall provide

persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons. The cost-free nature of services would depend on the availability of the State's fiscal resources.

With today's historic decision, we have taken a fundamental step towards significant progress in the changes necessary to enabling persons with disabilities to exercise their fundamental freedoms and human rights, in respect for their dignity and for their contribution to and full participation in the advances of society on a fully equal footing with other persons. My country welcomes the resolve that led to the adoption of the resolution whereby the General Assembly has adopted the Convention.

Mr. Normandin (Canada) (*spoke in French*): Canada is proud to have contributed to the development of international human rights law through our active participation in the Ad Hoc Committee established to negotiate the Convention on the Rights of Persons with Disabilities. The Convention promises to be an important tool for the promotion of the human rights of some of those most in need of such protection. We commend the spirit of compromise and hard work of the delegations involved in the Ad Hoc Committee, which ensured that the Convention was agreed upon in record time. As agreed among the representatives, while the Convention does not create new rights, it prevents discrimination so that the human rights of persons with disabilities, which are the same rights guaranteed to everyone, are understood and ensured by States. It is for that reason that we believe that the development of the Convention is long overdue.

One of the challenges to States parties to the Convention will be ensuring the appropriate standard of realization depending on the nature of the obligation. While some rights will be immediately realizable for persons with disabilities, others will be subject to a standard of progressive implementation and will therefore require investment by States to the maximum of their available resources.

The definition of disability was the subject of extensive discussion during negotiations. The result of the discussion was the inclusion in the text of a baseline for the guidance of States clearly incorporating a social, human-rights based understanding of disability. It clearly does not require that States adopt one single definition of disability in all their laws, policies and programmes. That flexible approach will allow for the evolution of this concept over time in order to reflect our changing understanding of disability and the circumstances in which persons with disabilities face discrimination.

(*spoke in English*)

Canada is pleased to welcome the strong equality rights provision and the significant contribution the Convention makes to developing the concept of reasonable accommodation, so crucial to ensuring the full inclusion and participation of persons with disabilities in society. The provision requires States to prohibit all forms of discrimination against persons with disabilities and clearly includes both direct and indirect discrimination. The concepts of equality and reasonable accommodation reflect substantive equality, namely, treating persons with disabilities according to their actual merits, capacities and circumstances, not on the basis of stereotypes. Substantive equality does not mean simply treating everyone in exactly the same way. Indeed, accommodating people's differences is the essence of substantive equality, and that understanding is especially key to eliminating discrimination.

Canada likewise welcomes in particular the equal recognition of persons with disabilities as persons before the law. The complexities across various legal regimes made that a particularly difficult topic of discussion during the negotiation. Through sustained effort, however, representatives arrived ultimately at a text which recognizes that persons with disabilities, like all members of society, are presumed to have legal capacity to act in all aspects of their lives. And, as with all members of society, a determination of incapacity should be based only on evidence of the individual's actual decision-making ability, rather than on the existence of a disability. Read together with the entire Convention, that provision underscores the fact that opportunities for persons with disabilities to exercise their legal capacity cannot be denied on a discriminatory basis. While the provision is not a prohibition on substitute decision-making regimes, it does place particular emphasis on the importance of supported decision-making. Finally, regardless of whether substitute or supported decision-making is involved, the provision requires that States ensure that appropriate safeguards be in place to avoid abuse.

On other issues, we have seen the introduction of a new term in the Convention through a reference to social protection in place of social security. In light of the narrow interpretation of the term "social security" in some jurisdictions, Canada was able to join consensus, given the important focus of that provision on non-discrimination.

With respect to the references to intellectual property in article 30, Canada considers that the concept of unreasonableness in paragraph 3 is linked to that of discrimination and should not be viewed as a separate and distinct criterion. A key aspect of the provision is that it is to be interpreted in a manner consistent with international law, in particular international commitments concerning intellectual property rights. Intellectual property rights have been developed to ensure that society benefits from intellectual activity. Those rights protect creators and inventors, prevent confusion and promote access for the public. Canada looks forward to working with other Governments with a view to promoting best practices pursuant to such interpretation of international norms.

Finally, I wish to comment on the articles on international monitoring. Canada has expressed all along our desire to innovate in designing an international monitoring mechanism which would serve the goal of ensuring effective and efficient monitoring of the rights contained in the Convention. We have heard delegations and representatives of non-governmental organizations expressing the opinion that the monitoring model now in the Convention would ensure that the Convention would not be a second-class citizen. Canada never quite accepted that argument. Instead, we believe that the rights of persons with disabilities would be best ensured by innovation through a linking of the existing treaty bodies through a system of experts. Nevertheless, in recognition of the time constraints, Canada joined consensus on the creation of a mechanism on the basis of the model now in the Convention, though there, too, we would have hoped for some innovation based on best practices of existing treaty bodies. We hope that the new treaty body will integrate the lessons learned over the years of operation of existing treaty bodies and we expect that the Committee on the Rights of Persons with Disabilities will be able to make an important contribution to discussions on future treaty body reforms.

Finally, we would like to express our sincere appreciation and warm congratulations to all delegations; to our exceptional Chairs, Ambassador Gallegos and Ambassador MacKay; and to all civil society participants, including organizations of persons with disabilities.

Mr. Takase (Japan): The Government of Japan applauds the adoption of the resolution by the General Assembly, together with the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

The Convention enables all persons with disabilities to enjoy all human rights and fundamental freedoms without any discrimination and promotes respect for their inherent dignity. Japan attaches great importance to that instrument and participated actively in the negotiations on the text that have taken place in the Ad Hoc Committee since July 2002. We highly appreciate the sustained efforts of all interested parties to bring them to a successful conclusion. We also would like to point out that civil society, and especially persons with disabilities themselves, have made a great contribution to the process by offering their special perspectives on the Convention.

On this occasion, my delegation would like to place on record the following understanding concerning certain provisions of the Convention.

First, regarding the term "persons with disabilities", we understand that there was consensus on a broad concept, rather than on a rigid definition, and that therefore a State party may stipulate its own appropriate definitions at the national level, in line with that broad concept.

Secondly, with regard to paragraph 2 of article 12, we believe that the term "legal capacity" should allow for a flexible interpretation, bearing in mind the differences in national legal systems.

Finally, in accordance with the articles on international monitoring, we are to establish a Committee on the Rights of Persons with Disabilities in the near future. We welcome that decision. However, it will by no means be easy to maintain such a Committee, bearing in mind the practical difficulties that the overall treaty body system is facing due to the fragmented treaty bodies and the reporting requirements, as well as the fact that the resources of the United Nations are not unlimited. Therefore, we believe that all Member States should make every

effort to maximize the efficiency of the international monitoring mechanism, bearing in mind the ongoing discussion on treaty body reform.

The adoption of the Convention should be not our last achievement in this area, but rather the first. All Member States must make further efforts to ensure and promote the full realization of the rights of persons with disabilities, as stipulated in the Convention. My delegation would like to express the firm intention of the Government of Japan to exert its utmost efforts to sign and ratify the Convention.

Mr. Cho Hyun (Republic of Korea): It has been four years since the Ad Hoc Committee was established to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.

As a country that participated actively in the discussions and negotiations during those four years aimed at drafting the Convention on the Rights of Persons with Disabilities, Korea wholeheartedly welcomes today's adoption of the resolution upon the conclusion of the Convention and its Optional Protocol. We would also like to express our deep appreciation to Ambassador MacKay of New Zealand, who made this Convention a reality through his tireless efforts and strong leadership.

The Korean Government agrees with other Governments and with intergovernmental organizations as to the value of this unprecedented and important human rights Convention. The Convention opens a new era in the human rights arena, enabling all persons with disabilities to secure full and equal enjoyment of human rights and participation in society. This Convention is a product of cooperation, collaboration, flexibility and compromise at their best. It would not have materialized without incessant informal discussions and intersessional exchanges of views among all the stakeholders, in particular persons with disabilities themselves.

The Republic of Korea would like to take this opportunity to express its deep appreciation to all the participants in the Ad Hoc Committee who supported the inclusion of a separate article on women with disabilities. Along with other provisions, that article will help to guarantee effective implementation and real progress in improving the situation of women with disabilities. We would also like to express our gratitude to the non-governmental organizations and civil societies of many Member States that supported our long and tortuous negotiations.

However pleased we may be by today's adoption of the Convention, we should not rest on our laurels. Much remains to be done. The close cooperation and enthusiasm shown by all the stakeholders during the negotiations of the Ad Hoc Committee must be sustained so that the words of the Convention can enter into force without delay. Raising disability issues and increasing awareness in society about this Convention should be continuously encouraged.

Korea is committed to participating actively in international endeavours to make this a Convention of persons with disabilities, by persons with disabilities and for persons with disabilities. Along with a review to effect the necessary amendment of our related domestic laws and regulations, the Korean Government plans to sign the Convention in 2007. In addition, Korea will hold a world assembly on persons with disabilities in September 2007, which will discuss follow-up steps after the Convention is adopted. Next year, at the sixty-second session of the General Assembly, we hope to celebrate the Convention's entry into force.

Mr. Benmehidi (Algeria) (*spoke in French*): Algeria welcomes the adoption of the Convention on the Rights of Persons with Disabilities. My delegation joins preceding delegations in expressing its sincere thanks to the Chairman of the Ad Hoc Committee, Ambassador MacKay of New Zealand, and his predecessor, Ambassador Gallegos Chiriboga of Ecuador, for their tireless efforts to bring about the adoption of this important and innovative instrument within a relatively short period of time. My thanks and congratulations go also to the members of the Bureau of the Ad Hoc Committee and to the civil society organizations — particularly the organizations for persons with disabilities — the persons with disabilities themselves and all others who worked tirelessly for this Convention to come into being.

We consider this success to be an important and historic step towards the recognition and rehabilitation of 10 per cent of the world's population. That represents 650 million persons with disabilities, who have long been considered a marginal fringe group of our modern societies.

Far from being an end in itself, this just recognition of the rights of persons with disabilities — which, by the way, are fundamental human rights — requires every United Nations Member State not only to subscribe to the general principles of promoting the rights and dignity of persons with disabilities and ensuring their full integration into society, but also to translate those principles into everyday reality.

Indeed, the quest for social cohesion and the sense of active solidarity with this category of persons must guide our actions and orient our efforts so that their lives will no longer be an endless fight for recognition and against marginalization, but rather reflect full participation in and make a substantial contribution to the economic, social and political life of their countries.

Mrs. Gallardo Hernández (El Salvador) (*spoke in Spanish*): My delegation joins previous speakers in welcoming today's adoption of the Convention on the Rights of Persons with Disabilities. This is a milestone that will undoubtedly change the living conditions of persons with disabilities. We hope that it will also help to build more just and equitable societies. It is the first legally binding international instrument in this area. At the same time, it incorporates a perspective of the development, promotion and protection of human rights into a single instrument.

We also wish to join others in congratulating Ambassador MacKay of New Zealand and Ambassador Gallegos Chiriboga of Ecuador, who led our discussions. El Salvador participated responsibly in that collective effort.

We are pleased at the adoption of the text of the Convention. Despite a diversity of positions, we reached general agreement in the Ad Hoc Committee on this matter. We also had broad participation by civil society.

However, we wish to indicate the following concerning article 25 (a). El Salvador understands that the concept of sexual and reproductive health will be applied in accordance with the provisions of national legislation currently in force in that area.

Ms. Salicioni (San Marino): The Republic of San Marino would like to associate itself with the statement made by the presidency of the European Union in welcoming the adoption by the General Assembly of the Convention on the Rights of Persons with Disabilities.

The Republic of San Marino believes that this inclusive process, in accordance with the principle "nothing about us without us", has been one of the most valuable ones in the area of international law. We are certain that from now on, States parties will recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, which is as it should be.

We would like to join previous speakers in thanking Ambassador MacKay, Chairman of the Ad Hoc Committee, and all the other facilitators, whose efforts were vital for the successful outcome of the negotiations.

In conclusion, let me just add that the Government of the Republic of San Marino intends to proceed as soon as possible with the signing and ratification of this Convention.

The Acting President: I now call on the observer of the Observer State of the Holy See.

Archbishop Migliore (Holy See): On the occasion of the adoption of the Convention on the Rights of Persons with Disabilities, my delegation would like to convey its appreciation to Ambassadors Gallegos and MacKay for their dedicated leadership during these long negotiations. Protecting the rights, dignity and worth of persons with disabilities remains a major concern for the Holy See. The Holy See, convinced that disabled individuals possess full and inalienable human rights, has consistently called for them to be completely and compassionately integrated into society. Therefore, from the very beginning, my delegation has been a constructive and active partner in these negotiations.

While there are many helpful articles in the Convention, including those that address education and the very important role of the home and the family, surely the living heart of this document lies in its reaffirmation of the right to life. For far too long, and by far too many, the lives of people with disabilities have been undervalued or thought to be of diminished dignity and worth. My delegation worked assiduously to make the text a basis upon which to reverse that assumption and to ensure the full enjoyment of all human rights by people with disabilities.

That is why I would like to put on record the Holy See's position on certain provisions of the Convention.

With regard to article 18, concerning liberty of movement and nationality, and article 23, on respect for home and the family, the Holy See interprets these in a way which safeguards the primary and inalienable rights of parents.

Further, my delegation interprets all the terms and phrases regarding family planning services, regulation of fertility and marriage contained in article 23, as well as the word "gender", as it did in its reservations and statements of interpretation at the Cairo and Beijing international conferences.

Finally, and most importantly, regarding article 25 on health, and specifically the reference to sexual and reproductive health, the Holy See understands access to reproductive health as being a holistic concept that does not consider abortion or access to abortion as a dimension of those terms. Moreover, we agree with the broad consensus that was voiced during negotiations and in the context of the preparatory work done that this article does not create any new international rights and is merely intended to ensure that a person's disability is not used as a basis for denying a health service.

However, even with that understanding, we opposed the inclusion of such a phrase in this article, because in some countries reproductive health services include abortion, thus denying the inherent right to life of every human being, as affirmed by article 10 of the Convention. It is surely tragic that, wherever foetal defect is a precondition for offering or employing abortion, the same Convention created to protect persons with disabilities from all discrimination in the exercise of their rights may be used to deny the very basic right to life of disabled unborn persons.

For that reason, and despite the many helpful articles this Convention contains, the Holy See is unable to sign it.

In conclusion, my delegation considers that the positive potential of this Convention will be realized only when national legal provisions and implementation by all parties fully comply with article 10 on the right to life of disabled persons.

I ask that this statement be included in the records of this meeting.

The Acting President: The Assembly has thus concluded this stage of its consideration of sub-item (b) of agenda item 67.

The meeting rose at 1.05 p.m.